

REMARKS

The Examiner has rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over Henry (U.S. Patent No 5,590,396) in view of Cantwell (U.S. Patent No. 5,917,827). For the following reasons, Applicant respectfully traverses those rejections and requests reconsideration and allowance of all claims.

Procedural History

The present application was filed more than six years ago. After a series of office actions and responses that did not substantially advance prosecution, Applicant requested an in-person interview with the Examiner. The interview was held on February 23, 2006 and was attended by the Examiner, Primary Examiner Lee Nguyen, the Applicant, the undersigned, and Mr. John Foresto, a telecommunications industry consultant who made a presentation regarding the present invention and how it is distinguishable from the prior art cited by the Examiner.

At the conclusion of that interview, the Examiner and Primary Examiner indicated that, subject to an updated search and the Applicant's amendment of the claims in accordance with an amendment proposed during the interview, the claims would be allowable. Accordingly, Applicant amended the claims in an Amendment filed February 27, 2006 along with a Request for Continued Examination.

Since that time, the Examiner has issued two non-final Office Actions. In each such Office Action, the Examiner has stated that Applicant's arguments made in response

to the previous Office Action “have been fully considered and are persuasive”, but then raised a “new” ground of rejection based on a prior art reference not previously cited.

Applicant respectfully submits that the “new” ground of rejection is not, in fact, new but merely cumulative and repetitive of previously raised grounds of rejection which both the Examiner and a Primary Examiner have indicated, on multiple occasions, were overcome by Applicant. Further, for the reasons expressed in Applicant’s previous responses as well as below, the prior art references raised by the Examiner for the first time in the two Office Actions issued since the interview held February 23, 2006, are no more pertinent than the references relied upon by the Examiner in earlier Office Actions and distinguished during that interview. Consequently, it is unnecessary and burdensome for the process to continue. All claims should be allowed. To the extent that any question remains, Applicant and the undersigned will address it in the telephone interview now scheduled for July 9, 2007.

The Present Invention Is Not Obvious

First, Applicant respectfully disagrees with the Examiner’s assertion that Henry discloses a “wireless interoffice facility for carrying all types of traffic normally carried by the PSTN” as recited in the present claims. Henry is directed to a power conservation arrangement for a cellular telephone system. Henry is not concerned with and, unlike the present invention, does not address the problem of a lack of bandwidth or a lack of less expensive bandwidth in particular portions of the PSTN.

The only microwave link disclosed by Henry is microwave link 108 (Fig. 1) which Henry expressly teaches is an “IS-41 communications link” (col. 4, lines 9-10) or an “IS-41 link” (col. 5, lines 3 and 7). IS-41 is an interim standard which defines a set of **messages and procedures for implementing inter-system handoff and automatic roaming procedures and, in later versions, enhanced services (e.g., call waiting, call forwarding) for cellular telephone systems.** *See, e.g.,* <http://www.cdg.org/technology/roaming/Technology/ss7.asp>. Accordingly, the “IS-41 link” disclosed in Henry is used to carry control messages for handling cellular telephone calls, not the calls themselves and not other traffic normally carried by the PSTN. Also, the mobile telephone switching offices 107 (Fig. 1) are owned or controlled by a cellular carrier and do not constitute “central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC)” as recited in Applicant’s claims.

Turning now to Cantwell, Applicant respectfully disagrees with the Examiner’s assertion that Cantwell provides the claim elements which Henry lacks. First, Cantwell is not concerned with and does not address the problem solved by the present invention.

Cantwell is focused on the problem of receiving and switching telecommunications signals having different transmission rates and signal formats. *See* col. 1, l. 60 – col. 2, l. 15. The only mention in Cantwell of microwave communication is the following:

The transmission paths used by interoffice trunks 18 may include any of a variety of transmission technologies such as satellite systems, microwave systems, coaxial systems and fiber optic systems.

Col. 4, lines 7-11 and Fig. 1.

Cantwell's interoffice trunks 18 are part of the PSTN and **do not** form a microwave network that overlays the PSTN, much less a microwave network that overlays the PSTN and carries all types of traffic normally carried by the PSTN, as recited in Applicant's claims. Indeed, with respect to Applicant's claims, **Cantwell's teaching is no different than that of Pugh, which was previously cited by the Examiner and distinguished by Applicant.** See Office Action at p. 2.

In summary, neither Henry nor Cantwell, taken alone or in combination, teaches or suggests a "a plurality of microwave transceivers forming a microwave network which overlays said public switched telephone network, said transceivers being geographically located so as to provide a wireless interoffice facility (IOF) for carrying all types of traffic normally carried by the PSTN between two or more central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC)" as recited in Applicant's claims.

Claims 2-14 are believed to be patentable for at least the reasons discussed above. Therefore, Applicant respectfully requests that that the §103(a) rejection be withdrawn and that a Notice of Allowance be issued with respect to claims 1-14.

Please charge all fees and/or any additional fees occasioned by this paper to our
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Respectfully submitted,

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